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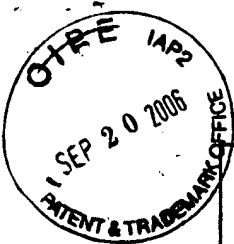
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/088,926-Conf. #2678
	Filing Date	March 20, 2002
	First Named Inventor	Timo Juhani Kangas
	Art Unit	3625
	Examiner Name	J. H. Zurita
Total Number of Pages in This Submission	Attorney Docket Number	01329/000K329-US0

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Express Mailing (1 page) Response to the Notice of Non-Compliant Appeal Brief (2 pages) Appellants' Brief on Appeal Under 37 C.F.R. Section 41.37 (17 pages, triplicate copies) Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Richard J. Katz		
Date	September 20, 2006	Reg. No.	47,698



Application No. (if known): 10/088,926

Attorney Docket No.: 01329/000K329-US0

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Response to the Notice of Non-Compliant Appeal Brief (2 pages)

Appellants' Brief on Appeal Under 37 C.F.R. Section 41.37 (17 pages,
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File No. 01329/000K329-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Timo Juhani Kangas

Application No.: 10/088,926

Confirmation No.: 2678

Filed: March 20, 2002

Art Unit: 3625

For: METHOD AND ARRANGEMENT FOR
DISTRIBUTING INFORMATION AND
SERVICES THROUGH A NETWORK

Examiner: J. H. Zurita

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


RESPONSE TO THE NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

Responsive to the Notice mailed September 1, 2006, entry of the Amended Appeal Brief submitted concurrently herewith is respectfully requested.

The Notice indicates that the Appeal Brief filed August 15, 2006 is non-compliant for not containing items required by 37 C.F.R. § 41.37(c)(1)(ix). In particular, the Notice indicates that the brief did not contain copies of the evidence. The Evidence Appendix as originally submitted indicated that "All evidence is in the record," and now indicates "None."

This response to the Notice of Non-Compliant Appeal Brief, and the Amended Appeal Brief, concurrently submitted herewith, should be considered because they are both being filed within thirty days of the mailing of the Notice and, thus, no fee is due. However, the Commissioner is hereby authorized to charge any fees deemed required in connection with this submittal to Deposit Account No. 04-0100.


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Docket No.: 01329/000K329-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Timo Juhani Kangas

Application No.: 10/088,926

Confirmation No.: 2678

Filed: March 20, 2002

Art Unit: 3625

For: METHOD AND ARRANGEMENT FOR
DISTRIBUTING INFORMATION AND
SERVICES THROUGH A NETWORK

Examiner: J. H. Zurita

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit this brief in accordance with 37 C.F.R. § 41.37 in support of their appeal from the Final Office Action, mailed December 15, 2005 by Examiner Khanh Q. Dinh, and the Advisory Action, mailed June 7, 2006, in the above-identified patent application.

In accordance with 37 C.F.R. §§ 41.31 and 41.37, this brief follows the June 15, 2006 filing of a Notice of Appeal and payment of the required fee. This brief is in support of said Notice of Appeal. Appellants submit that this Appeal Brief is timely filed, and requires no extension of time fee. However, the Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this Appeal Brief, or to credit any overpayment, to Deposit Account No. 04-0100.

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Tecnomen Oyj. The inventor having assigned his rights in and to this application to Tecnomen Oyj, such assignment having been duly recorded.

II. RELATED APPEALS AND INTERFERENCES

To appellants' knowledge, there are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-13 are pending in the application.

This appeal is in respect of the rejection of claims 1-13.

There are 13 claims pending in the application, *i.e.*, claims 1-13. They are reproduced in the **Claims Appendix**. The current status of the application's claims is as follows:

1. Claims canceled: none;
2. Claims withdrawn from consideration but not canceled: none;
3. Claims pending: 1-13;
4. Claims allowed: none;
5. Claims rejected: 1-3.

Claims 1, 8, 9, 11, and 12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-6 and 8-10 stand rejected under 35 U.S.C. § 102(b) as

3) Whether claims 7 and 13 can properly be rejected as obvious under 35 U.S.C. § 103(a) based on the combination of Goldhaber and the Examiner's statement of what was known in the art at the time of the invention.

VII. ARGUMENT

Grounds of Rejection No. 1

Claims 1 and 11 recite a "a preliminary order for crediting accounts associated with the intended recipients." Claims 8, 9 and 12 each recite "a preliminary order for crediting the accounts associated with the certain subscribers." The Examiner contends that the disclosure of the "... preliminary order for crediting the accounts . . .," does not provide details. Based on this perceived lack of disclosure within the written description, the Examiner states that "[f]or examination purposes, the Examiner will interpret the phrase . . . [to mean] a maximum amount or a fixed amount that a provider is willing to compensate those customers that access the information." (December 15, 2005 Detailed Action, page 3.)

Appellant respectfully disagrees with the Examiner's position. The specification clearly explains that "[t]he preliminary nature of the order means that the actual crediting is not yet accomplished, because there is no evidence about the intended recipients actually receiving the information or service to be transmitted." (Specification, page 7, lines 30-34.) Once there is evidence that the intended recipients have actually received the information or service to be transmitted, then the crediting will occur. Further, the Specification discloses other embodiments of the present invention and discusses the preliminary order, e.g., page 9, lines 20-35.

Because there is clear disclosure within the specification for the claim language of a "preliminary order for crediting the accounts . . .," there is no basis for the Examiner to interpret the phrase to mean a maximum or fixed amount. The Examiner's interpretation of this claim language does not comport with the unequivocal definition provided by the above-cited portion of the specification. Indeed, in contrast to the Examiner's interpretation of "a maximum amount or a fixed amount" the specification clearly states that "the actual crediting is not yet accomplished."

Goldhaber at the time of the invention would not be motivated to modify Goldhaber's coupons to be valued on an inverse time-variant basis or a ranking of responses. Therefore, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness.

For all of the reasons set forth above, the rejections of claims 1-13 should be reversed. Appellant respectfully requests that the application be remanded to the Primary Examiner with an instruction to withdraw the rejections, and pass the case to allowance.

Respectfully submitted,

By

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Dated: September 20, 2006

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APPENDIXES

RELATED PROCEEDINGS APPENDIX

There are no related proceedings for this matter.